

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57206 of 2025

Arising Out of PS. Case No.-12 Year-2024 Thana- N.C.B (GOVERNMENT OFFICIAL)
District- Patna

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Ratnesh Kumar Mishra, S/o- Tarkeshwar Prasad Mishra, R/o Village- Bihari,
Ward No- 11, P.S.- Bhagwanpur, District-Vaishali

... .. Petitioner/s

Versus

The Union of India New Delhi

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate
		Mr. Adarsh Singh, Advocate
For the Opposite Party/s	:	Mrs. Shail Kumari, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
CAV ORDER

6 22-01-2026 Heard learned counsel for the petitioner and learned
counsel for the U.O.I.

2. The petitioner has prayed for bail in connection
with NCB Case No. PZU/V/12/2024, NDPS G.R. Case No. 118
of 2024 registered for the offence punishable under Sections
8(c), 9A, 21(c), 25, 25A and 29 of the N.D.P.S. Act.

3. The case of the prosecution, in short, is that on
12.12.2024, 2 Kg of heroin was seized from a Tata Punch car
bearing Registration No. BR 06 DH 1768 and two individuals
Ratnesh Kumar Mishra, the petitioner and Dharmveer Kumar
Pandey were apprehended. After recording their statements
under Section 67 of the NDPS Act, 1985 and confirming their
involvement, they were arrested. During preliminary



investigation, it was revealed that the contraband was supplied by Ranjeet Prasad Yadav @ Ranjeet Kumar Yadav. A follow-up operation led to the arrest of Ranjeet and his associates Sumit Kumar and Sarvesh Kumar Yadav. Further recovery included 945 grams of acid and three bottles of Acetyl Chloride.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has been falsely implicated in this case. Learned counsel for the petitioner has submitted that from perusal of the F.I.R. it is clear that the person who was sitting on the driving seat was identified as the petitioner, son of Tarkeshwar Prasad Mishra whereas on the rear seat, one Dharmveer Kumar Pandey, son of Rajeshwar Pandey was sitting and beneath the rear seat, 20 packets of heroin were recovered. Learned counsel for the petitioner has further submitted that on the later part of the F.I.R., it is clear that the seizure was made at the police station and not at the place where the vehicle was stopped by the police team. It has further been submitted by learned counsel for the petitioner that in the first part itself the case of the prosecution is that 20 packets of heroin were found whereas seizure was done in police station. It has further been submitted that petitioner is the owner and driver of the vehicle.



He was not having any knowledge regarding the contraband and the contraband was also not recovered from him rather it was recovered beneath the rear seat where Dharmveer Kumar Pandey was sitting. It has further been submitted for possession animus and corpus both things are necessary. Since the petitioner was on driving seat, it cannot be presumed that he was having knowledge as to what was kept beneath the rear seat where other man Dharmveer Kumar Pandey was sitting. It has also been submitted that the petitioner is having no criminal criminal antecedent and the manner of the recovery shows that nothing was recovered from his possession. He is languishing in judicial custody since 13.12.2024.

5. Learned counsel appearing for the U.O.I. has vehemently opposed the application for bail and has submitted that 2 Kg of heroin has been recovered from the car which is owned by the petitioner which is more than commercial quantity.

6. As the recovery has been made beneath the rear seat where Dharmveer Kumar Pandey was sitting, it cannot be said that the petitioner was having knowledge regarding the contraband, as such, the question of quantity does not arise.

7. Having heard learned counsel for the parties and



and considering the facts and circumstances of the case, this Court is inclined to enlarge the petitioner on bail, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge/Special Judge, East Champaran at Motihari in connection with NCB Case No. PZU/V/12/2024, NDPS G.R. Case No. 118 of 2024.

(Ashok Kumar Pandey, J)

lata/-

AFR/NAFR	NAFR
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